

REMARKS:

In the Office Action dated October 16, 2003, claims 7, 8, 15, 19 and 20, in parent application for the above-identified U.S. patent application, were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 1-20 have been canceled and new claims 21- 35 have been added to the application.

Claims 7, 15, 19 and 20 were rejected under 35 USC §102(b) as anticipated by or alternatively as obvious over Schinitzky, U.S. Patent No. 4,473,551. Applicants respectfully point out that Schinitzky indicates that elevated temperatures can result in loss of activity (col. 2, lines 41-43). He indicates that the anti-inflammatory activity is stable for 20 minutes at 75°C. In contrast to this, in the present invention the extract can be held at temperatures up to 120 °C, preferably 95° C, for 2-4 hours. Example 1 first extracts the cartilage at 85-90 °C for 2 hours and the second extraction is at 95°C for 3 hours. In view of the fact that Schinitzky's active ingredients are temperature sensitive and the higher extraction temperatures recited in the present claims, applicants contend that Schinitzky does not anticipate or render obvious the present claims.


Claim 8 was rejected under 35 USC §102(b) as anticipated by or alternatively as obvious over Schinitzky, U.S. Patent No. 4,473,551 further in view of Echard. Echard was cited for the disclosure that glucosamine lowers blood pressure. Applicants point out that Echard does not show that glucosamine lowers blood pressure but simply shows that it does not increase systolic blood pressure which can be a sign of insulin resistance in the rat strains studied. Echard does not disclose a shark cartilage extract which is stable at

extraction temperatures of 85-120 °C and thus does not cure the deficiencies in Schinitzky as discussed above.

Applicants respectfully submit that all of claims 21-35 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By  7/20/04
Monica Chin Kitts
Attorney for Applicants
Registration No. 36,105
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040

MCK/cb